

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN M. SALEEBY

Plaintiff,

V.

CHICAGO MERCANTILE
EXCHANGE, INC. et al.

Defendant,

Cause No.: 1:08-CV-01130

Honorable Harry D. Leinenweber

MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW Plaintiff John M. Saleeby, by and through his undersigned
counsel and hereby moves to dismiss the cause without prejudice and for grounds
therefore state:

1. There is the necessary party to this action who is an Illinois resident and will destroy diversity of citizenship and accordingly, Plaintiff intends to re-file this matter in the Circuit Court of the Cook County Illinois.

WHEREFORE, Plaintiff request, in the interest of judicial economy, leave of Court to dismiss this matter without prejudice and for such other and further Orders as the Court deems just.

LAW OFFICES OF VANESSA C. ANTONIOU

/s/ Vanessa C. Antoniou

Vanessa C. Antoniou
21 North Meramec Ave., 2nd Floor
Clayton, Missouri 63105
Telephone: (314) 725-1996
Facsimile: (314) 862-5542
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was filed electronically this 19th day of June 2008 to all attorneys of record:

/s/Vanessa C. Antoniou